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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION UNDER 37 C.F.R. §1.47(a)

APPLICANTS: Herbert BRUDER et al.

CONFIRMATION NO.: 7996

SERIAL NO.: 10/671,894

GROUP ART UNIT: 2882

FILED

September 26, 2003

TITLE:

"METHOD FOR GENERATING AN IMAGE BY MEANS OF A
TOMOGRAPHY CAPABLE X-RAY DEVICE WITH MULTI-ROW
X-RAY DETECTOR ARRAY"

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R:

Applicants request that the above-referenced application be permitted to be prosecuted in the United States Patent and Trademark Office with a Declaration that has been signed by only three of the four co-inventors. A Declaration signed by Herbert Bruder, Thomas Flohr and Karl Stierstorfer has been filed simultaneously herewith, as a response to the Notice dated December 18, 2003. The Declaration is not signed by the fourth co-inventor, Kwok Tam. The Declaration of Dr. Norbert Moritz is submitted herewith which sets forth details regarding transmittal of the application papers to Mr. Tam at his last known address, and the absence of any response from Mr. Tam, from which it is reasonable to conclude that the conduct of Mr. Tam constitutes a refusal to sign the Declaration.

This Petition is accompanied by a check for the requisite fee in the amount of \$130.00.

02/10/2004 SSESHE1 00000078 10671894

02 FC:1460

130.00 0P

The present Petition and accompanying Declaration of Dr. Norbert Moritz satisfy all of the requirements of 37 C.F.R. §1.47(a). Granting of the present Petition is therefore respectfully requested.

Submitted by,

Steven H. Noll

(Reg. 28,982)

Schiff, Hardin LLP

CUSTOMER NO. 26574

Patent Department

6600 Sears Tower

233 South Wacker Drive

Chicago, Illinois 60606

Telephone: 312/258-5790

Attorneys for Applicants.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on *Feb. 4, 2004*.

Steven H. Noll

STEVEN H. NOLL



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION OF DR. NORBERT MORITZ IN SUPPORT
OF PETITION UNDER 37 C.F.R. §1.47(a)

APPLICANTS: Herbert BRUDER et al. CONFIRMATION NO.: 7996
SERIAL NO.: 10/671,894 GROUP ART UNIT: 2882
FILED: September 26, 2003
TITLE: "METHOD FRO GENERATING AN IMAGE BY MEANS OF A
TOMOGRAPHY CAPABLE X-RAY DEVICE WITH MULTI-ROW
X-RAY DETECTOR ARRAY"

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R:

I, Norbert Moritz, declare and state as follows:

1. I am a patent engineer employed in the Patent Department of Siemens Aktiengesellschaft.
2. Siemens Aktiengesellschaft is the owner of the above-referenced United States patent application by virtue of assignment from three of the four co-inventors. A copy of the Assignment is attached hereto as Attachment A.
3. Under my supervision, a copy of the above-identified application, and the Declaration and the Assignment for that application, were sent to Mr. Kwok Tam by courier on September 29, 2003 at his last known address: 24 Sagamore Avenue, Edison, New Jersey 08820. A copy of the printout from the tracking service of the courier that was employed is attached hereto as Attachment B, evidencing transmission by courier to Mr. Tam and confirming receipt of the couriered documents by Mr. Tam.
4. Neither the Declaration nor the Assignment was returned to me, or those under my supervision, by Mr. Tam, and I therefore initiated a series of

correspondence with my counterpart colleagues in the Patent Department for Siemens Corp. in the United States, in Edison, New Jersey. Copies of a series of e-mails in this correspondence are attached hereto as Attachment C. As evidenced by that correspondence, my colleagues in the Patent Department for Siemens Corp. also sent copies of the Declaration and the application to Mr. Tam at his last known address, but were unsuccessful in obtaining his signature on the Declaration.

6. Based on the above-described transmittal of the application and the Declaration to Mr. Tam, and based on the absence of any response from Mr. Tam, I believe it is reasonable to conclude that the conduct of Mr. Tam constitutes a refusal to sign the Declaration.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 30.01.2004


Dr. Norbert Moritz

ASSIGNMENT

FOR a valuable consideration, the undersigned,

HERBERT BRUDER, THOMAS FLOHR, and KARL STIERSTORFER

residing at respectively, Meisenstr. 3, 91315 Hoechstadt, Germany
Bonifatiusstr. 6, 91486 Uehlfeld Germany
Oesterreicher Str 13, 91052 Erlangen, Germany

hereby sell, assign and transfer unto Siemens Aktiengesellschaft, Wittelsbacherplatz 2, 80333 Munich, Germany, a German corporation, the whole right, title and interest in and to a certain invention or improvement in

**"METHOD FOR GENERATING AN IMAGE BY MEANS OF A TOMOGRAPHY CAPABLE
X-RAY DEVICE WITH MULTI-ROW X-RAY DETECTOR ARRAY"**

disclosed in an application for Letters Patent of the United States, prepared by the firm of Schiff, Hardin & Waite, of Chicago, Illinois, and executed of even date herewith, said application being identified in the office records of said firm as Case No. P03,0333 and in our own records as Case No. 2002P10995US, and in and to the United States Letters Patent therefor, when issued, together with all improvements thereon and betterments thereof, all divisions, continuations and reissues thereof and substitutions of or for said application, and all rights and privileges under the Letters Patent that may be granted therefor, including the right to claim the benefit of an earlier filing date for the same invention in a foreign country.

We hereby authorize and request the Commissioner of Patents to issue the Letters Patent that may be granted for said invention or improvements to said Siemens Aktiengesellschaft, Wittelsbacherplatz 2, 80333 Munich, Germany.

For the same consideration, we hereby agree that we will promptly communicate to the aforesaid assignee or its assigns full and complete information concerning said improvements or betterments of the inventions disclosed in said application, and will cooperate at any time upon request of said assignee or its assigns, at its expense, in the procurement of patent protection to cover the inventions herein assigned and to be assigned, including the execution of new, divisional, continuing and reissue applications; will make all rightful oaths, will testify in any proceedings in the United States Patent Office or in the Courts, and generally will do everything lawfully possible to aid said assignee, its successors, assigns and nominees to obtain, enjoy

and enforce proper patent protection for the inventions embraced within the terms of this document.

DATE: Oct 01, 2003

Herbert Bruder
HERBERT BRUDER

DATE: Oct 1, 2003

Thomas Flohr
THOMAS FLOHR

DATE: Oct 1, 2003

Karl Stierstorfer
KARL STIERSTORFER

WITNESSES:

Janet Simon
Otto Jemlich



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Hausfrachtbrief- nummer	Ort- Herkunft	Ort- Ziel	Status
<u>5500766176</u>	Nuernberg - Germany	South Plainfield, NJ - USA	Unterschrift von: TAM Sendung ausgeliefert Oktober 01, 2003 19:17 ✓

5500766176 - Detaillierter Bericht

Datum	Uhrzeit	Ort	Status
September 30, 2003	17:03	Nuernberg - Germany	Sendung wurde abgeholt
September 30, 2003	18:34	Nuernberg - Germany	Sendung verläßt Abgangsstation
September 30, 2003	20:28	Nuernberg - Germany	Abgang ab DHL-Station in Nuernberg - Germany
September 30, 2003	20:41	Nuernberg - Germany	Ankunft in der DHL-Station in Nuernberg - Germany
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September 30, 2003	23:37	Cologne - Germany	Ankunft in der DHL-Station in Cologne - Germany
Oktober 01, 2003	01:08	Cologne - Germany	Abgang ab DHL-Station in Cologne - Germany
Oktober 01, 2003	02:44	East Midlands - UK	Abgang ab DHL-Station in East Midlands - UK
Oktober 01, 2003	05:13	New York City-Gateway, NY - USA	Ankunft in der DHL-Station in New York City-Gateway, NY - USA
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Oktober 01, 2003	14:08	South Plainfield, NJ - USA	zur Auslieferung vorgesehen
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Fax: 09131 7-31406
Email: Zdenka.Capek@erls.siemens.de

Paul-Gossen-Straße 100
91052 Erlangen
Deutschland

Kontoreferenz

AU000625,C=VE260*G=61500000*X=TRANSPORT,,0

Empfänger

Herrn
Dr. Kwok Tam

Tel.: —
Fax:
Email:

24 Sagamore Avenue
NJ 08820 Edison
Vereinigte Staaten von Amerika
NJ - New Jersey

Sendung

Dienstleister: DHL

Kundennummer:

Kundenreferenznummer:

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Warenbeschreibung:
Dokument

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Gewicht in Kg: 1,00
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Datum: 30.09.2003 11:01:35

Zusatzhinweise (handschriftlich):

2002P1039545

Moritz Norbert

Von: Moritz Norbert
Gesendet: Montag, 28. April 2003 10:02
An: 'Paschburg, Donald'
Cc: Schmidt Heinz
Betreff: German Patent Application - Kwok Tam

German Patent Application 2002P10995DE:

"Verfahren zur Erzeugung eines Bildes mittels eines tomographiefähigen Röntgengeräts mit mehrzeiligem Röntgendetektorarray"

Applicant: Siemens AG (S AG)

Invention Disclosure: 2002 E 15712 DE

"Volumenabtastung mit Sequencescans und Topogram für Flächendetektor-CT"

Don:

The above mentioned invention was made during a visit of Kwok Tam in DE. There are 3 co-inventors of Med CT. Up to now Med CT has not decided for foreign filing but I expect they will at least decide for US.

In any case: For the German Patent- and Trademark Office I need an assignment to S AG. **Deadline is Dec 27, 2003.**

Therefore, please prepare an assignment for the invention share from Mr. Tam. I expect an assignment from Mr. Tam to SCR and another one from SCR to S AG will be necessary. An assignment to SMS may be appropriate in the cases that are handled by IPD US but not in this case because the first filing was done in the name of S AG.

As I know from discussions with Mr. Dall'Asta, SCR has no problem to assign inventions, that have not been basically (ZKD) financed, to S AG or SMS without anything in exchange. And SCR normally has no interest in filing patents outside the US, do they ?

Thus I expect no problem for assigning to S AG. Similar cases - like 96E3268 - have been handled in the same way by Mr. Trapp and Mr. L. C. Edelman.

Kind regards

Norbert

Dr. Norbert Moritz

Patent Counsel

European Patent Attorney

Diplom-Physiker

SIEMENS AG

Corporate Intellectual Property

CT IP MED

Erl PG - Paul-Gossen-Straße 100

Tel.: +49 9131 7 32556

Fax: +49 9131 7 32226



Dr. Moritz
19. SEP. 2003

Moritz Norbert

V n: Moritz Norbert
Gesendet: Freitag, 19. September 2003 15:11
An: 'Paschburg, Donald'
Cc: Keller Elsa; Kleiber Katrin; Milzarek Bernd
Betreff: 2002 10995 - Method for Creating an Image with an X-Ray Unit Capable of Tomography Containing a Multiple Line X-Ray Detector Array

Hallo Don:

one of the (4) inventors of the above mentioned invention is Kwok Tam, SCR.
The invention was made in Germany during his visit here. We filed a German Patent application (DE 10245116, filing date 27.09.2002) in the name of Siemens AG (for details see attachment or IPAS). The application is in the interest of Med CT that has been charged of it. An US application will be filed soon.

Abstract: A procedure for creating an image (B) of an examination object (26) with an X-ray unit, in particular with a computer tomography device (1). The device (1) exhibits a multiple line X-ray detector array (5), an X-ray emitter (2) emitting a conical beam that can be rotated around a system axis (Z), and a positioning mechanism for positioning the examination object (26) in a direction parallel to the system axis (Z) at different Z positions relative to the X-ray emitter (2). The picture (B) is reconstructed from the raw data generated by the X-ray emitter (2). For this, raw data is generated both from a rotation scan and from a straight-line scan. During the straight-line scan, all radiography values used for picture reconstruction are recorded in one continuous straight-line scanning movement to enable a rotation scan with preferable continuous rotation of the X-ray emitter (2). In order to select a range of interest (ROI) of the investigation object (26) for the following rotation scan, a tomogram carried out before the actual rotation scan is the preferable straight-line measuring data set. The procedure enables a particularly fast collection of source data for the following 3D image reconstruction.

Fulltext can be found as usually in IPAS.

I had entered you as ZIS (=to be asked for foreign filing) in IPAS. But no decision had been entered. **Thus I assum SCR is n t interested in foreign filing (US etc.). Furthermore I expect that SCR is not interested in the DE-applicati n.**

As you may know it will be necessary to give information to the German Patent and Trademark Office how Siemens AG got the right to apply for patent (alone).

I w uld like to ask you to provide signed assignment forms that might also be used for the US application that is currently in work

Please check whether a direct assignment to Siemens AG is possible. I expect two signed assignment forms will be necessary

- a) assignment from Tam to SCR
- b) assignment from SCR to Siemens AG.

The assignment(s) might be in English. You may use forms that you use for US procedures, the forms however should at least **assign rights for the US- and the DE-application. For the German office I need the documents n t later then Dec. 01, 2003.**

If you need additional information please contact me. Thank you for your assistance.

Kind regards

Dr. Norbert Moritz
Patent Counsel
European Patent Attorney
Diplom-Physiker
SIEMENS AG
Corporate Intellectual Property
CT IP MED
Erl PG - Paul-Gossen-Straße 100
Tel.: +49 9131 7 32556
Fax: +49 9131 7 32226

Moritz Norbert

V n: Moritz Norbert
G s ndet: Freitag, 19. September 2003 16:10
An: 'Paschburg, Donald'
Cc: Keller Elsa; Kleiber Katrin; Milzarek Bernd
B treff: AW: 2002 10995 - Method for Creating an Image with an X-Ray Unit Capable of Tomography Containing a Multiple Line X-Ray Detector Array

Hi Don,

again on this case:
I just noticed that I had contacted you already in April 2003.



German Patent
Application - Kw...

Norbert

-----Ursprüngliche Nachricht-----

V n: Moritz Norbert
Gesendet am: Freitag, 19. September 2003 15:11
An: 'Paschburg, Donald'
Cc: Keller Elsa; Kleiber Katrin; Milzarek Bernd
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Patent Counsel

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Diplom-Physiker

SIEMENS AG

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CT IP MED

Erl PG - Paul-Gossen-Straße 100

Tel.: +49 9131 7 32556

Fax: +49 9131 7 32226

Moritz Norbert

Von: PASCHBURG DONALD [Donald.Paschburg@siemens.com]
Gesendet: Freitag, 19. September 2003 16:57
An: 'MEIER ANDREA'
Cc: Keller Elsa; Moritz Norbert; 'PRUIKSMA WALTER'
B treff: Kwok Tam's Contact Information

Andrea;

We need to get Kwok Tam's signature on some documents. Please provide me with whatever contact information you have.

Don

-----Original Message-----

From: Moritz Norbert [mailto:norbert.moritz@siemens.com]
Sent: Friday, September 19, 2003 10:10 AM
To: 'Paschburg, Donald'
Cc: Keller Elsa; Kleiber Katrin; Milzarek Bernd
Subject: AW: 2002 10995 - Method for Creating an Image with an X-Ray Unit Capable of Tomography Containing a Multiple Line X-Ray Detector Array

Hi Don,

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<<German Patent Application - Kwok Tam.rtf>>

Norbert

> -----Ursprüngliche Nachricht-----

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> Gesendet am: Freitag, 19. September 2003 15:11
> An: 'Paschburg, Donald'
> Cc: Keller Elsa; Kleiber Katrin; Milzarek Bernd
> Betreff: 2002 10995 - Method for Creating an Image with an X-Ray Unit
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 > Kind regards
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 > Dr. Norbert Moritz
 > Patent Counsel
 > European Patent Attorney
 > Diplom-Physiker
 > SIEMENS AG
 > Corporate Intellectual Property
 > CT IP MED
 > Erl PG - Paul-Gossen-Straße 100
 > Tel.: +49 9131 7 32556
 > Fax: +49 9131 7 32226
 >

Moritz Norbert

Von: PASCHBURG DONALD [Donald.Paschburg@siemens.com]
Gesendet: Freitag, 19. September 2003 16:48
An: Keller Elsa; RICHMAN VICKI
Cc: Kleiber Katrin; Milzarek Bernd; Moritz Norbert
B treff: RE: 2002 10995 - Method for Creating an Image with an X-Ray Unit Capable of Tomography Containing a Multiple Line X-Ray Detector Array

Elsa;

Do you prepare these assignments or should Vicki?

Kwok Tam no longer works for SCR so we have to track him down. Does anyone have a copy of an assignment to Siemens AG?

Don

-----Original Message-----

From: Moritz Norbert [mailto:norbert.moritz@siemens.com]
Sent: Friday, September 19, 2003 10:10 AM
To: 'Paschburg, Donald'
Cc: Keller Elsa; Kleiber Katrin; Milzarek Bernd
Subject: AW: 2002 10995 - Method for Creating an Image with an X-Ray Unit Capable of Tomography Containing a Multiple Line X-Ray Detector Array

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Norbert

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> straight-line scan. During the straight-line scan, all radiography values
> used for picture reconstruction are recorded in one continuous

DBP ist also
mit Assignment
SCR -> SAG
eingebracht

- > straight-line scanning movement to enable a rotation scan with preferable
- > continuous rotation of the X-ray emitter (2). In order to select a range
- > of interest (ROI) of the investigation object (26) for the following
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- > But no decision had been entered. Thus I assume SCR is not interested
- > in foreign filing (US etc.). Furthermore I expect that SCR is not
- > interested in the DE-application.
- >
- > As you may know it will be necessary to give information to the German
- > Patent and Trademark Office how Siemens AG got the right to apply for
- > patent (alone).
- >
- > I would like to ask you to provide signed assignment forms that might
- > also be used for the US application that is currently in work
- >
- > Please check whether a direct assignment to Siemens AG is possible. I
- > expect two signed assignment forms will be necessary
- > a) assignment from Tam to SCR
- > b) assignment from SCR to Siemens AG.
- >
- > The assignment(s) might be in English. You may use forms that you use
- > for US procedures, the forms however should at least assign rights for
- > the US- and the DE-application. For the German office I need the
- > documents not later than Dec. 01, 2003.
- >
- > If you need additional information please contact me. Thank you for
- > your assistance.
- >
- > Kind regards
- >
- > Dr. Norbert Moritz
- > Patent Counsel
- > European Patent Attorney
- > Diplom-Physiker
- > SIEMENS AG
- > Corporate Intellectual Property
- > CT IP MED
- > Erl PG - Paul-Gossen-Straße 100
- > Tel.: +49 9131 7 32556
- > Fax: +49 9131 7 32226
- >

Moritz Norbert

Von: Moritz Norbert
Gesendet: Montag, 22. September 2003 09:41
An: 'PASCHBURG DONALD'
Cc: Keller Elsa; RICHMAN VICKI; Schmidt Heinz
Betr ff: AW: 2002 10995 - Method for Creating an Image with an X-Ray Unit Capa ble of Tomography Containing a Multiple Line X-Ray Detector Array

Hallo Don:

please advise, whether the applications (DE, US), or which of them, shall be filed in the names of SCR too. I am asking because of Elsa Keller's email below.

In the case SCR wants to be co-applicant in one of the two applications, please tell me the relevant cost account of SCR, so that I can enter the correct share of costs into IPAS. In this case one assignment from Mr. Tam to SCR would be sufficient.

In the case SCR does not want to pay a share of costs and become co-applicant in one of the two applications, please provide an additional assignment from SCR to Siemens AG, or instead of that - if legally possible - a direct assignment from Mr. Tam to Siemens AG.

Thanks

Norbert

-----Ursprüngliche Nachricht-----

Von: PASCHBURG DONALD [mailto:Donald.Paschburg@siemens.com]
Gesendet am: Freitag, 19. September 2003 22:13
An: RICHMAN VICKI
Cc: Keller Elsa; Moritz Norbert
Betreff: FW: 2002 10995 - Method for Creating an Image with an X-Ray Unit Capa ble of Tomography Containing a Multiple Line X-Ray Detector Array

Vicki;

Please prepare an Assignment for the above-identified patent application for Kwok Tam and email it to him. His new email is kwokctamnj@yahoo.com.
Thanks.

Don

-----Original Message-----

From: KELLER ELSA
Sent: Friday, September 19, 2003 4:10 PM
To: 'Moritz Norbert'
Cc: PASCHBURG DONALD; 'bernd.Milzarek@erls.siemens.de'
Subject: RE: 2002 10995 - Method for Creating an Image with an X-Ray Unit Capa ble of Tomography Containing a Multiple Line X-Ray Detector Array

Dear Mr. Moritz,

At the time the invention was received and disclosed to you, Tom Kwok was an employee of SCR. Subsequently the application should have been filed in both companies name. We will arrange for an assignment from Mr. Tam to SCR. This assignment may then be used for filing and recording in the USPTO. If you have any questions, please call.

Regards,
Elsa Keller

-----Original Message-----

From: Moritz Norbert [mailto:norbert.moritz@siemens.com]

Sent: Friday, September 19, 2003 9:11 AM

To: 'Paschburg, Donald'

Cc: Keller Elsa; Kleiber Katrin; Milzarek Bernd

Subject: 2002 10995 - Method for Creating an Image with an X-Ray Unit Capable of Tomography Containing a Multiple Line X-Ray Detector Array

Hallo Don:

one of the (4) inventors of the above mentioned invention is Kwok Tam, SCR. The invention was made in Germany during his visit here. We filed a German Patent application (DE 10245116, filing date 27.09.2002) in the name of Siemens AG (for details see attachment or IPAS). The application is in the interest of Med CT that has been charged of it. An US application will be filed soon.

Abstract: A procedure for creating an image (B) of an examination object (26) with an X-ray unit, in particular with a computer tomography device (1). The device (1) exhibits a multiple line X-ray detector array (5), an X-ray emitter (2) emitting a conical beam that can be rotated around a system axis (Z), and a positioning mechanism for positioning the examination object (26) in a direction parallel to the system axis (Z) at different Z positions relative to the X-ray emitter (2). The picture (B) is reconstructed from the raw data generated by the X-ray emitter (2). For this, raw data is generated both from a rotation scan and from a straight-line scan. During the straight-line scan, all radiography values used for picture reconstruction are recorded in one continuous straight-line scanning movement to enable a rotation scan with preferable continuous rotation of the X-ray emitter (2). In order to select a range of interest (ROI) of the investigation object (26) for the following rotation scan, a tomogram carried out before the actual rotation scan is the preferable straight-line measuring data set. The procedure enables a particularly fast collection of source data for the following 3D image reconstruction.

Fulltext can be found as usually in IPAS.

I had entered you as ZIS (=to be asked for foreign filing) in IPAS. But no decision had been entered. Thus I assume SCR is not interested in foreign filing (US etc.). Furthermore I expect that SCR is not interested in the DE-application.

As you may know it will be necessary to give information to the German Patent and Trademark Office how Siemens AG got the right to apply for patent (alone).

I would like to ask you to provide signed assignment forms that might also be used for the US application that is currently in work

Please check whether a direct assignment to Siemens AG is possible. I expect two signed assignment forms will be necessary

- a) assignment from Tam to SCR
- b) assignment from SCR to Siemens AG.

The assignment(s) might be in English. You may use forms that you use for US procedures, the forms however should at least assign rights for the US- and the DE-application. For the German office I need the documents not later than Dec. 01, 2003.

If you need additional information please contact me. Thank you for your assistance.

Kind regards

Dr. Norbert Moritz
Patent Counsel
European Patent Attorney
Diplom-Physiker
SIEMENS AG
Corporate Intellectual Property
CT IP MED
Erl PG - Paul-Gossen-Straße 100
Tel.: +49 9131 7 32556
Fax: +49 9131 7 32226

Moritz Norbert

Von: Moritz Norbert
Gesendet: Montag, 27. Oktober 2003 14:40
An: Schwarz Stephan
B treff: 2002 10629 - Tam Kwok

Hallo Herr Schwarz,

ich denke, wir können diesen Assignment-Fall (unabhängig davon, ob da nun ein Vertrag zwischen SCR und S AG vorliegt) genauso abfahren wie den von Frau Kleiber bearbeiteten Fakk 2002 10995.



WG: P03,0333
Assignment -2002 ...

Ein direktes Assignment auf S AG sollte möglich sein. Im aktuellen Fall hatte ich sogar die US-Kollegen schon vor einem Jahr aufgefordert, hier tätig zu werden.



FW: 200210629 /
2002E02790 - T...

Wie Sie sehen können, hat Kollege Don Paschburg seine TA aufgefordert, ein Assignment vorzubereiten. Haben Sie jemals eines erhalten. Ich kann mich an derartiges nicht erinnern. Am besten Sie fragen bei Frau Richmond nochmals nach, wo denn das Assignment bleibt.

Beste Grüße

Dr. Norbert Moritz
Patent Counsel
European Patent Attorney
Diplom-Physiker
SIEMENS AG
Corp rate Intellectual Property
CT IP MED
Erl PG - Paul-Gossen-Straße 100
Tel.: +49 9131 7 32556
Fax: +49 9131 7 32226

Moritz Norbert

V n: PASCHBURG DONALD [Donald.Paschburg@siemens.com]
G sendet: Freitag, 22. November 2002 15:19
An: Moritz Norbert
Cc: KELLER ELSA; Dall'Asta Silvano
Betreff: RE: 200210629 / 2002E02790 - Tam Kwok

Norbert;

Thank you for contacting me on this matter.

The way we normally handle patents where there are two Siemens entities involved is that there is an assignment to each of the Siemens entities. If we have a PG inventor and a Med inventor, the patent is assigned to both, PG and Med. If the inventor is from Siemens AG and SCR, we get the Siemens AG inventor to execute an assignment to Siemens AG and we include both Siemens AG and SCR as assignees. According to Kwok Tam's Intellectual Property Agreement that he signed when he joined Siemens, he must assign his inventions to SCR. We will forward the required document to Kwok and upon his execution of the document, we will forward it to you.

To get SCR to assign a patent to Siemens AG is not as easy and I don't think it is necessary. I would have to get a corporate officer of SCR to agree to such an assignment and they would probably want something in exchange. In the past, we just included both parties, Siemens AG and SCR as Assignees.

Sincerely;

Don

Donald B. Paschburg
Senior Intellectual Property Counsel
Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830
732-321-3191 (Phone)
732-321-3030 (Fax)

This message and any attachments are solely for the use of intended recipients. They may contain privileged and/or confidential information, attorney work product or other information protected from disclosure. If you are not an intended recipient, you are hereby notified that you received this email in error, and that any review, dissemination, distribution or copying of the email and any attachment is strictly prohibited. If you have received this email in error, please contact the sender and delete the message and any attachment for your system. Thank you for your cooperation.

-----Original Message-----

From: Moritz Norbert [mailto:norbert.moritz@siemens.com]
Sent: Friday, November 22, 2002 9:07 AM
To: 'PASCHBURG DONALD'
Cc: Keller Elsa
Subject: 200210629 / 2002E02790 - Tam Kwok

Dear Mr. Paschburg,

one of the (4) inventors of the above mentioned invention is Kwok Tam, SCR. The invention was made in Germany. We filed a German Patent application (DE 10248766.9, filing date 18.10.2002) in the name of Siemens AG recently (for

details see attachment or IPAS). The application is in the interest of Med CT that has been charged of it.

<<Hauptblatt 200210629.pdf>> <<Priofassung 200210629.rtf>>

As you may know it will be necessary to give information to the German Patent and Trademark Office how Siemens AG got the right to apply for patent (alone). Also in the case of foreign filing in the US we will have the same problem with the assignment.

Therefore I would like to ask you whether SCR wants to be a co-applicant in this case. In the case SCR has no interest - what I expect, as the invention is totally specific to CT - I would like to ask you to provide two signed assignment forms that might also be used in a later US procedure:

- a) assignment from Tam to SCR
- b) assignment from SCR to Siemens AG.

Both assignments might be in English. You may use forms that you use for US procedures. If you need additional information please contact me.

Please check the situation and respond as possible.
I also entered you as ZIS (=to be asked for foreign filing) in IPAS.

Kind regards

Dr. Norbert Moritz
European Patent Attorney
Diplom-Physiker
SIEMENS AG
Corporate Intellectual Property
CT IP MED
Erl PG - Paul-Gossen-Straße 100
Tel.: +49 9131 7 32556
Fax: +49 9131 7 32226
<<Moritz Norbert.vcf>>

Moritz Norbert

Von: PASCHBURG DONALD [Donald.Paschburg@siemens.com]
Gesendet: Freitag, 22. November 2002 15:25
An: RICHMAN VICKI
Cc: Moritz Norbert; KELLER ELSA; Dall'Asta Silvano
Betreff: FW: 200210629 / 2002E02790 - Tam Kwok



Hauptblatt
200210629.pdf



Priofassung
200210629.rtf



Moritz Norbert.vcf

Vicki;

Please prepare the required Assignment and forward it to Kwok for his signature. If you have any questions, please contact me.

Don

-----Original Message-----

From: Moritz Norbert [mailto:norbert.moritz@siemens.com]
Sent: Friday, November 22, 2002 9:07 AM
To: 'PASCHBURG DONALD'
Cc: Keller Elsa
Subject: 200210629 / 2002E02790 - Tam Kwok

Dear Mr. Paschburg,

one of the (4) inventors of the above mentioned invention is Kwok Tam, SCR. The invention was made in Germany. We filed a German Patent application (DE 10248766.9, filing date 18.10.2002) in the name of Siemens AG recently (for details see attachment or IPAS). The application is in the interest of Med CT that has been charged of it.

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Both assignments might be in English. You may use forms that you use for US procedures. If you need additional information please contact me.

Please check the situation and respond as possible.
I also entered you as ZIS (=to be asked for foreign filing) in IPAS.

Kind regards

Dr. Norbert Moritz
European Patent Attorney
Diplom-Physiker
SIEMENS AG
Corporate Intellectual Property
CT IP MED
Erl PG - Paul-Gossen-Straße 100
Tel.: +49 9131 7 32556
Fax: +49 9131 7 32226

<<Moritz Norbert.vcf>>

Kleiber Katrin

Von: Kleiber Katrin
Gesendet: Donnerstag, 27. November 2003 09:24
An: Keller Elsa
Betreff: Erfinderunterschriften 2002P10995US

Hallo Frau Keller,

Herr Kwok Tam hat am 1. Oktober 2003 von uns Declaration und Assignment zur Unterschrift per Kurier erhalten, allerdings noch nicht zurückgeschickt. Könnten Sie bitte bei Ihm wegen der Rücksendung der Dokumente nachhaken.

Adresse:
Dr. Kwok Tam
24 Sagamore Avenue
Edison, NJ 08820
USA

Vielen Dank und schöne Grüße

Katrin Kleiber

Otzelberger Annamaria

Von: Otzelberger Annamaria
Gesendet: Dienstag, 30. Dezember 2003 09:50
An: Keller Elsa
Betreff: Erfinderunterschriften des Herrn Kwok Tam zu 2002P10995 USA

Sehr geehrte Frau Keller,

wie Frau Kleiber bereits mit Ihnen besprochen, benötigen wir dringend die Unterschriften des Herrn Tam für die oben genannte Anmeldung. Die Unterlagen haben wir bereits am 29.09.03 an die Anschrift des Herrn Dr. Kwok Tam: 24 Sagamore Avenue, Edison, NJ 08820, USA gesandt.

Vielleicht könnten Sie uns behilflich sein, da uns der US-Anwalt eine Frist bis 18. Februar 2004 gesetzt hat.

Falls Sie die Unterlagen benötigen, werden wir Ihnen diese per FAX übersenden.

Vielen Dank im Voraus und alles Gute für 2004 wünscht
A. Otzelberger

Otzelberger Annamaria

Von: Keller Elsa
Gesendet: Freitag, 2. Januar 2004 18:20
An: Otzelberger Annamaria
Betreff: RE: Erfinderunterschriften des Herrn Kwok Tam zu 2002P10629 US

Hallo Frau Otzelberger,

Mr. Kwok Tam is no longer employed with Siemens Corporate Research, Inc. and I have been told that he is not cooperative in signing documents for Siemens. I'm sorry but I cannot assist you.

Regards,
Elsa Keller

Elsa Keller
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830
Tel. 732-321-3026
Fax 732-321-3014

>This message and any attachments are solely for the use of intended recipients. They may contain privileged and/or confidential information, attorney work product or other information protected from disclosure. If you are not an intended recipient, you are hereby notified that you received this email in error, and that any review, dissemination, distribution or copying of this email and any attachment is strictly prohibited. If you have received this email in error, please contact the sender and delete the message and any attachment from your system. Thank you for your cooperation.

-----Original Message-----

From: Otzelberger Annamaria [mailto:annamaria.otzelberger@siemens.com]
Sent: Friday, January 02, 2004 4:33 AM
To: Keller Elsa
Subject: Erfinderunterschriften des Herrn Kwok Tam zu 2002P10629 US

Sehr geehrte Frau Keller,

im Nachgang zum Mail vom 30.12.03 bitte ich Sie, dass Sie sich wegen der Unterschrift auch noch wegen der zweiten Anmeldung 2002P10629 US mit Herrn Dr. Kwok Tam in Verbindung setzen. Diese Unterlagen wurden am 09.12.03 mit Kurier an den Erfinder gesandt.

Mit freundlichen Grüßen
A. Otzelberger



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/671,894	09/26/2003	Herbert Bruder	P03,0333

SCHIFF HARDIN & WAITE
 Patent Department
 6600 Sears Tower
 233 South Wacker Drive
 Chicago, IL 60606



CONFIRMATION NO. 7996
 FORMALITIES LETTER



OC000000011519729

Date Mailed: 12/18/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:


Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

02/10/2004 SSESHE1 00000078 10671894
 01 FC:1051
 130.00 0P


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SUBMISSION OF SIGNED DECLARATION

ATTN: MAIL STOP MISSING PARTS

APPLICANTS: Herbert BRUDER et al. CONFIRMATION NO.: 7996

SERIAL NO.: 10/671,894 GROUP ART UNIT: 2882

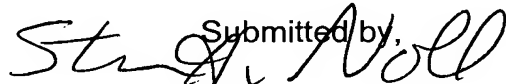
FILED: September 26, 2003

TITLE: "METHOD FRO GENERATING AN IMAGE BY MEANS OF A
TOMOGRAPHY CAPABLE X-RAY DEVICE WITH MULTI-ROW
X-RAY DETECTOR ARRAY"

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R:

In response to the Notice dated December 18, 2003 (copy attached), Applicants herewith submit a Declaration signed by three of the four co-inventors. The fourth inventor, Mr. Kwok Tam, has refused to sign the Declaration and a Petition Under 37 C.F.R. §1.47(a) is filed simultaneously herewith, requesting that the application be prosecuted in the Patent and Trademark Office without the signature of Mr. Tam. A check for the surcharge in the amount of \$130.00 is submitted herewith.

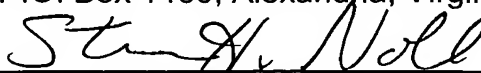
Submitted by: 

(Reg. 28,982)

Schiff, Hardin LLP
CUSTOMER NO. 26574
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicants.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on Feb. 4, 2004


STEVEN H. NOLL



DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"METHOD FOR GENERATING AN IMAGE BY MEANS OF A TOMOGRAPHY CAPABLE X-RAY DEVICE WITH MULTI-ROW X-RAY DETECTOR ARRAY"

Case No. P03,0333, the specification of which

(check one) ☒ is attached hereto.
☐ was filed on _____, as
Application Serial No. _____
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56.¹

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below

Prior Foreign Application(s)

Number

Country

Date

10245116.8

Germany

September 27, 2002

¹ (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

Prior Foreign Application(s) Number	Country	Date
--	---------	------

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Prior Foreign Application(s) Number	Country	Date
--	---------	------

And I hereby appoint all Attorneys Identified by United States Patent & Trademark Office Customer Number 26574, who are all members of the firm of Schiff Hardin and Waite.

Telephone 312/-258-5500 Patent Department

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Schiff, Hardin & Waite
Atten: Patent Department
6600 Sears Tower, Chicago, Illinois 60606 -6473
Customer Number 26574

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor, HERBERT BRUDER

Inventor's signature *Herbert Bruder* Date Oct 01, 2003
Residence Hoechst, Germany
Citizenship Germany
Post Office Address Meisenstr. 3
91315 Hoechst, Germany

Full name of second joint inventor THOMAS FLOHR

Inventor's signature *Thomas Flohr* Date Sept 27, 2003
Residence Uehlfeld, Germany
Citizenship Germany
Post Office Address Bonifatiusstr. 6
91486 Uehlfeld, Germany

Full name of third joint inventor,
(if any) KARL STIERSTORFER

Inventor's signature *Karl Stierstorfer* Date Sept 24, 2003
Residence Erlangen, Germany
Citizenship Germany
Post Office Address Oesterreicher Str. 13
91052 Erlangen, Germany

Full name of fourth joint inventor,
(if any)

KWOK TAM

Inventor's signature

Residence

Edison, New Jersey, USA

Citizenship

United States

Post Office Address

24 Sagamore Avenue

Edison, New Jersey 08820 USA

K. Tam is not a member of SIEMENS, company, anywhere